

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

WILLIAM DOUGLAS WYATT, JR.,)	
CYNTHIA MCLURE,)	
JESSICA WHALEN-BAINE,)	
)	
Plaintiffs,)	
)	
v.)	No. 2:20-cv-00309-JPH-DLP
)	
TERRE HAUTE POLICE DEPARTMENT,)	
RICK J. DECKER Det. #163,)	
KEITH MOWBREY Det. #101,)	
VIGO COUNTY,)	
)	
Defendants.)	

ORDER

I. Joint Litigation

On August 4, 2020, the Court ordered each Plaintiff to file by September 4, 2020 "a signed statement identifying their address, whether they are prisoners, and whether they choose to maintain this case." Dkt. 12. Plaintiffs Cynthia McLure and Jessica Whalen-Baine have not responded. This case is therefore **DISMISSED without prejudice** as to those Plaintiffs.

II. In Forma Pauperis Status

On August 4, 2020 the Court informed Plaintiff William Wyatt that he had "struck out" under 28 U.S.C. § 1915(g) and ordered him to pay the \$400 filing fee or to show cause why his motions to proceed *in forma pauperis* should not be denied. Dkt. 12. Mr. Wyatt has responded, asking the Court to order that funds be withheld from his inmate trust account until the \$400 filing fee

is paid. Dkt. 13. He alternatively asks for a 120-day extension of time to pay the filing fee. *Id.*

However, plaintiffs who have "struck out" cannot "bring a civil action," 28 U.S.C. § 1915(g), so if the fee is unpaid "the action must be dismissed," *Sloan v. Lesza*, 181 F.3d 857, 858 (7th Cir. 1999). Granting an extension of time or allowing partial payments would allow the filing of this action without prepaying the filing fee in violation of 28 U.S.C. § 1915(g). *Id.* Mr. Wyatt's motion is therefore **DENIED**, dkt. [13], and this case is **DISMISSED without prejudice**. Mr. Wyatt's motions to proceed *in forma pauperis* are **DENIED** under 28 U.S.C. § 1915(g). Dkt. [8]; dkt. [10]. Final judgment will issue in a separate entry.

Furthermore, Mr. Wyatt is warned that in any future actions, "[a]n effort to bamboozle the court by seeking permission to proceed *in forma pauperis* after a federal judge has held that § 1915(g) applies . . . will lead to the immediate termination of the suit." *Sloan*, 181 F.3d at 859.

SO ORDERED.

Date: 9/15/2020



James Patrick Hanlon
United States District Judge
Southern District of Indiana

Distribution:

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